

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JOHN BAXLEY, JR., *et al.*,**

**Plaintiffs,**

**v.**

**Civil Action No. 3:18-cv-01526  
(Chambers, J.)**

**BETSY JIVIDEN, *et al.*,**

**Defendants.**

**STIPULATION OF VOLUNTARY DISMISSAL**

COME NOW the parties, by counsel, pursuant to Rule 41(a)(1)(A), Federal Rules of Civil Procedure, and hereby voluntarily dismiss without prejudice Count III of this civil action; the allegations related to Class B in the Second Amended Class Action Complaint; Carl Aldridge, as Superintendent, as a party to this litigation; and Samuel Stout as a party and class representative. The matter shall remain pending with regard to the claims against Commissioner Jividen and the Division of Corrections and Rehabilitation as set forth in Counts I and II of the Second Amended Class Action Complaint for Injunctive and Declaratory Relief and the Class A allegations.

Dated this 22<sup>nd</sup> day of May, 2020.

**STIPULATED AND AGREED TO BY:**

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